

REVISED
MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-06-05

Date Published: May 31, 2007

For Work Week Commencing: June 4, 2007

Commission Meeting: June 5, 2007, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Qwest Corporation N2007.5.54 (Gary)

On May 23, 2007, Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and CC Services, Inc. and an

associated amendment #1. Qwest is filing the MSA and amendment with the Commission for approval pursuant to Section 2.18 (Large Business Customers with a Multi-State Presence) of its Exchange and Network Service Tariff, and pursuant to the Commission's April 16, 2004, Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest's response to a request for bid from CC Services. The services being purchased are business services and packages sold under the Qwest Line Volume Advantage program. These services are available from other competitive carriers in addition to Qwest. Probable Motion: Move to approve the MSA between Qwest Corporation and CC Services, Inc. in N2007.5.54.

2. Qwest D98.12.281, D2006.12.186, D2005.3.42 (Gary)

Three (3) (TRO/TRRO) Interconnection Agreement Amendments:

D98.12.281 - Qwest Corporation/Ionex Communications North, Inc.
 D2006.12.186 - Qwest Corporation/OneEighty Communications, Inc.
 D2005.3.42 - Qwest Corporation/Lightyear Network Solutions, LLC

Qwest has filed for approval with this Commission three TRO/TRRO amendments in the docket listed above. The FCC, with the guidance of the United States D.C. Court of Appeals, has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). These amendments list approximately 30 UNEs which Qwest and the parties to these agreement have agreed are no longer required to be offered under Section 251. These amendments were voluntarily negotiated by the parties involved and staff recommends approval.

Probable Motion: Move to approve the TRO/TRRO interconnection agreement amendments in D98.12.281 - Qwest Corporation/Ionex Communications North, Inc., D2006.12.186 - Qwest Corporation/OneEighty Communications, Inc., D2005.3.42 - Qwest Corporation/Lightyear Network Solutions, LLC.

3. Qwest Corporation D2000.11.200 (Gary)

Qwest has filed for approval with the Commission an interconnection agreement amendment between Qwest Corporation and OneEighty Communications, Inc. This amendment adds a new section 20.0 "Service Performance" to the existing interconnection agreement. Section 20.1 adopts the Performance Indicator Definitions (PIDS) as developed by the Regional Oversight Committee (ROC). Section 20.2 adopts the Qwest Performance Assurance Plan (QPAP). This amendment was voluntarily negotiated by the parties involved and staff recommends approval. Probable Motion: Move to approve the Service Performance interconnection agreement amendment in D2000.11.200 between Qwest Corporation and OneEighty Communications, Inc.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. Federal Communications Commission CC 96-45, WC 05-337 – The FCC issued on May 14, 2007, a Notice of Proposed Rulemaking (NOPR) in which it seeks comments on the Federal-State Joint Board on Universal Service recommendation to impose an interim emergency cap on the amount of support that competitive eligible telecommunications carriers receive – Discuss draft comments. (6/5/07)
2. Regional Oversight Committee multi-state audit of Qwest's Performance Assurance Plan performance and payments in 2005 – Approve participation in and funding of the multi-state audit. (6/5/07)
3. D2006.6.94 – NorthWestern Energy – 2006 Qualifying Facility/Avoided Cost – Discussion, direction, action on motions related to discovery, other matters as necessary. (6/5/07)
4. Comments to Midwest Reliability Organization re: MRES-001 Generation Planning Reserve Requirements – Discuss whether to join the comments of the North Dakota Public Service Commission. (6/5/07)

Other Meetings

6/4/07 1:30 p.m. – Informational Meeting with Patrick Clarey of FERC (Bollinger Room)

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. Energy West Inc. Docket D2007.5.55 (Eric)

On May 24, 2007, Energy West filed an application seeking approval of a credit agreement between EW and LaSalle Bank National Association and a private placement note arrangement by J.P. Morgan. The credit agreement would be a \$20,000,000 Revolving Credit Facility on an unsecured basis. The term of the agreement is five years. The Private Placement Note would be a \$13,000,000 Senior Unsecured Term Loan. The maturity length of the Private Placement Note is 10 years.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

1. NorthWestern Energy D2007.5.44 (Martin)

A protective order, PSC Order No. 6832, was issued May 25, 2007, in the above matter, which is NWE's 2007 natural gas cost tracking procedure and related procedures, annual true-up.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2007.5.55 – Energy West Incorporated – Petition for Authority to Issue Securities

D2007.5.56 – Montana-Dakota Utilities Co. – Application to Implement a Monthly Gas Cost Tracking Adjustment Change for June 2007